

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 3 1934 NUMBER 43

Washington, Thursday, March 10, 1938

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 5428 OF AUGUST 20, 1930, WITHDRAWING LAND FOR CLASSIFICATION AND IN AID OF LEGISLATION

Montana

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, Executive Order No. 5428 of August 20, 1930, temporarily withdrawing and reserving certain land for classification and in aid of legislation, is hereby revoked.

FRANKLIN D. ROOSEVELT

*THE WHITE HOUSE,
March 7, 1938.*

[No. 7829]

[F. R. Doc. 38-696; Filed, March 8, 1938; 2:55 p. m.]

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 5341 OF MAY 2, 1930, WITHDRAWING PUBLIC LANDS

Arizona

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 5341 of May 2, 1930, withdrawing public lands in Arizona pending a resurvey, is hereby revoked as to the following-described township:

GILA AND SALT RIVER MERIDIAN

T. 13 N., R. 1 W.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the said township.

FRANKLIN D. ROOSEVELT

*THE WHITE HOUSE,
March 7, 1938.*

[No. 7830]

[F. R. Doc. 38-697; Filed, March 8, 1938; 2:55 p. m.]

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 7293 OF FEBRUARY 14, 1936, PRESCRIBING REGULATIONS GOVERNING THE GRANTING OF ALLOWANCES FOR QUARTERS AND SUBSISTENCE TO ENLISTED MEN

By virtue of and pursuant to the authority vested in me by section 11 of the act of June 10, 1922, ch. 212, 42 Stat. 625, 630, Executive Order No. 7293 of February 14, 1936, prescribing regulations governing the granting of allowances for quarters and subsistence to enlisted men of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service who are not furnished quar-

ters or rations in kind, is hereby amended by striking out the words "Naval Mission to Brazil:", appearing after "Exception No. 1" in subdivision "B.—Special" of Table I, and substituting therefor the following: "Naval Missions to Brazil and Peru:".

FRANKLIN D. ROOSEVELT

*THE WHITE HOUSE,
March 7, 1938.*

[No. 7831]

[F. R. Doc. 38-698; Filed, March 8, 1938; 2:55 p. m.]

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 5923 OF SEPTEMBER 20, 1932, WITHDRAWING PUBLIC LANDS

Oregon

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 5923 of September 20, 1932, withdrawing public lands in Oregon pending a resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the said lands.

FRANKLIN D. ROOSEVELT

*THE WHITE HOUSE,
March 7, 1938.*

[No. 7832]

[F. R. Doc. 38-699; Filed, March 8, 1938; 2:55 p. m.]

EXECUTIVE ORDER

ESTABLISHING HEWITT LAKE MIGRATORY WATERFOWL REFUGE

Montana

By virtue of and pursuant to the authority vested in me as President of the United States and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that all lands owned or controlled by the United States within the following-described area, comprising 1,200 acres, more or less, in Phillips County, Montana, be, and they are hereby, reserved and set apart, subject to valid existing rights, for the use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife:

PRINCIPAL MERIDIAN

T. 32 N., R. 32 E.,
sec. 7, SE $\frac{1}{4}$,
sec. 8, S $\frac{1}{2}$,
sec. 9, W $\frac{1}{2}$ SW $\frac{1}{4}$,
sec. 16, NW $\frac{1}{4}$,
sec. 17, N $\frac{1}{2}$,
sec. 18, NE $\frac{1}{4}$.



Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

TABLE OF CONTENTS

| | |
|--|------|
| Department of Agriculture: | |
| Agricultural Adjustment Administration: | Page |
| Puerto Rican sugarcane, determination of fair and reasonable prices for 1938 crop..... | 643 |
| Department of the Interior: | |
| Division of Grazing: | |
| New Mexico Grazing Districts Nos. 4 and 5, modification..... | 642 |
| President of the United States: | |
| Executive Orders: | |
| Allowances for quarters and subsistence to enlisted men, regulations amended..... | 641 |
| Arizona, partial revocation of land withdrawal.... | 641 |
| Montana: | |
| Hewitt Lake Migratory Waterfowl Refuge established..... | 641 |
| Revocation of order withdrawing land for classification, etc..... | 641 |
| Oregon, revocation of land withdrawal..... | 641 |
| Rural Electrification Administration: | |
| Allocation of funds for loans..... | 643 |
| Treasury Department: | |
| Public Health Service: | |
| Importation of living disease organisms and vectors, quarantine regulations amended..... | 642 |

The above-described area is within the known geologic structure of the producing Bowdoin gas field as defined June 30, 1930, and nothing herein shall affect the disposition of the oil and gas deposits therein under the mineral leasing act of February 25, 1920, ch. 85, 41 Stat. 437, as amended.

This refuge shall be known as the Hewitt Lake Migratory Waterfowl Refuge.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 7, 1938.

[No. 7833]

[F. R. Doc. 38-700; Filed, March 8, 1938; 2:55 p. m.]

TREASURY DEPARTMENT.

Public Health Service.

REGULATING THE IMPORTATION OF LIVING DISEASE ORGANISMS AND VECTORS

AMENDMENT NO. 17 TO THE QUARANTINE REGULATIONS OF THE UNITED STATES

Pursuant to the authority contained in section 3 of the Act of February 15, 1893, 27 Stat. 450 (U. S. C., title 42, sec. 92), the quarantine regulations of the United States are hereby amended by adding thereto the following new chapter, numbered XVII-A, entitled "Living Disease Organisms and Vectors," and containing paragraphs numbered 128-A, 128-B, 128-C, and 128-D:

CHAPTER XVII-A

Living Disease Organisms and Vectors

128-A. No culture of bacteria, or any living virus or collection of organisms, that causes or may cause any contagious or infectious disease, nor any insect, animal, or plant infected with such bacteria, virus, or organism, shall be admitted into the United States without a specific permit issued by the Surgeon General of the Public Health Service.

128-B. No living insect, animal, or plant, new to or not theretofore widely prevalent or distributed within and throughout the United States, which is potentially capable of transmitting any contagious or infectious disease, shall be admitted into the United States without a specific permit issued by the Surgeon General.

128-C. The Surgeon General may, in his discretion, issue a permit as specified in paragraph 128-A and paragraph 128-B when proper safeguards are set up to protect the public. No article or thing coming within the provisions of paragraph 128-A or paragraph 128-B shall be released from customs custody prior to the receipt by the collector of customs of a permit therefor issued by the Surgeon General, which permit shall specify the name and address of the consignee of such article or thing.

128-D. The provisions of paragraphs 128-A, 128-B, and 128-C shall not apply to birds of the parrot family, as defined in "Regulations Governing the Importation of Birds of the Parrot Family into Ports of the United States Prescribed in Accordance with the Provisions of Executive Order No. 5264, approved January 24, 1930", which regulations, approved December 20, 1933, shall continue to govern the importation of such birds of the parrot family.

[SEAL]

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 38-706; Filed, March 9, 1938; 10:29 a. m.]

DEPARTMENT OF THE INTERIOR.

Division of Grazing.

NEW MEXICO GRAZING DISTRICTS NOS. 4 AND 5

MODIFICATION

MARCH 2, 1938.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, New Mexico Grazing District No. 4 as established by order approved April 8, 1935, is hereby modified to include also within its exterior boundaries the following-described lands, which are hereby transferred from New Mexico Grazing District No. 5:

NEW MEXICO PRINCIPAL MERIDIAN

T. 19 S., R. 9 E., secs. 23, 24, 25, 26, 35, and 36, and those parts of secs. 22, 27, and 34, east of Southern Pacific Railroad.
T. 20 S., R. 9 E., secs. 1 and 2 and that part of sec. 3 east of Southern Pacific Railroad.
T. 19 S., R. 10 E., S½ sec. 10, N½ sec. 11, NW¼ sec. 12, secs. 15, 19, 20, 21, 29, 30, and 31.
T. 20 S., R. 10 E., sec. 6.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 38-705; Filed, March 9, 1938; 10:22 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1938 CROP OF PUERTO RICAN SUGARCANE PURSUANT TO THE SUGAR ACT OF 1937

Whereas Section 301 (d) of the Sugar Act of 1937, approved September 1, 1937, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing;

and

Whereas the Secretary of Agriculture, on November 30, 1937, held a public hearing¹ at San Juan, Puerto Rico, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1938 crop of Puerto Rican sugarcane.

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby determine fair and reasonable prices for the 1938 crop of Puerto Rican sugarcane to be paid by processors who, as producers (hereinafter referred to as producer-processors), apply for payments under the said act, in accordance with the following provisions:

(a) When payment for sugarcane delivered to a producer-processor is made by actual delivery of sugar to the producer (colono) on the basis of a stated percentage of 96° raw sugar recoverable from the producer's sugarcane, such percentage shall be the same as in 1937, except that in no event shall it be less than 63 percent of the recoverable sugar (packed in the customary bags) determined in accordance with the formula given below, and except, further, that such recoverable sugar shall be calculated fortnightly or monthly as may be agreed upon between the producer (colono) and the producer-processor:

$$R=FS$$

where:

R=Recoverable sugar, 96° polarization.

S=Polarization of the crusher juice obtained from the sugarcane of each producer, during each fortnight or month.

F=Fraction whose numerator is the average yield of sugar of 96° polarization obtained from the aggregate grinding during each fortnight or month in which the cane of the producer (colono) has been ground, and whose denominator is the average polarization of the crusher juice obtained from the aggregate grinding during the fortnight or month in which the cane of the producer (colono) has been ground;

Provided, however, That when through the delivery of unripe or burnt cane, or through any other cause, the recoverable sugar determined in accordance with the foregoing formula amounts to 9 pounds or less per 100 pounds of cane, or when sugarcane is delivered of the Japanese, Uba, Colimbato, or other varieties of the *Sacharum Spontaneum* or *Sacharum Sinensis* type, the payment shall be on the basis of rates not less than those provided in the 1937 cane grinding agreement between the producer-processor and the grower (colono).

(b) When payment for sugarcane delivered to a producer-processor is made by actual delivery of sugar to the producer on the basis of an amount of 96° raw sugar equal to a

¹ 2 F. R. 2912 (DI).

stated percentage of the weight of the sugarcane received from the producer (commonly referred to as the "flat rate" basis), the applicable percentage of recoverable sugar shall be computed by multiplying the average number of pounds of sugar, 96° basis, recovered per 100 pounds of sugarcane, during the current crop at the mill where the sugarcane was ground, by not less than .63. The figure for the average number of pounds of sugar, 96° basis, recovered per 100 pounds of sugarcane shall be rounded to the nearest one-tenth of a pound.¹ The product of such figure and .63 shall be rounded to the nearest one-hundredth of 1 percent.¹ Pending the calculation of the sugar recovery for the entire crop, provisional liquidations shall be made fortnightly or monthly on such bases as may be agreed upon between the producer (colono) and the producer-processor.

(c) When settlement is not made by actual delivery of 96° raw sugar, as aforesaid, the money value of the recoverable sugar, determined as in (a) or (b) above (whichever is applicable) shall be paid to the grower on the basis of such average duty paid price for 96° raw sugar as may be agreed upon between the producer and the producer-processor, for the fortnight or month in which the sugarcane is delivered to the producer-processor, converted to the equivalent f. o. b. mill price by deducting selling and delivery expenses actually incurred by the producer-processor, provided that in no event shall such deduction amount to more than .25 cent per pound of sugar.

In addition to the foregoing, the following requirement shall be met:

When sugarcane is delivered to a producer-processor in the name of a person other than the legal owner thereof (commonly referred to as "purchasing agent"), the producer-processor shall make payment to the legal owner of such sugarcane in accordance with the provisions of this determination.

Done at Washington, D. C., this 9th day of March 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-707; Filed, March 9, 1938; 12:49 p. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 204]

ALLOCATION OF FUNDS FOR LOANS

MARCH 7, 1938.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | Amount |
|-----------------------------|---------|
| Tennessee 8009W1 Macon..... | \$5,000 |

JOHN M. CARMODY, Administrator.

[F. R. Doc. 38-701; Filed, March 9, 1938; 9:41 a. m.]

[Administrative Order No. 205]

ALLOCATION OF FUNDS FOR LOANS

MARCH 7, 1938.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby

¹ In rounding numbers: A digit less than 5 is discarded; a digit greater than 5 adds 1 to the next digit to the left. An even 5 is dropped, and the digit next to the left, if even, is unchanged; if odd, is raised.

allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | Amount |
|----------------------------------|---------|
| Iowa 8047G2 Franklin..... | \$6,000 |
| Iowa 8048G3 Pocahontas..... | 5,000 |
| Pennsylvania 8006B2 Indiana..... | 4,500 |

JOHN M. CARMODY, *Administrator*.

[F. R. Doc. 38-702; Filed, March 9, 1938; 9:41 a. m.]

[Administrative Order No. 206]

ALLOCATION OF FUNDS FOR LOANS

MARCH 7, 1938.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for

loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | Amount |
|-------------------------------|----------|
| Tennessee 8023A2 Dickson..... | \$500.00 |

JOHN M. CARMODY, *Administrator*.

[F. R. Doc. 38-703; Filed, March 9, 1938; 9:41 a. m.]

[Administrative Order No. 207]

AMENDMENT OF ALLOCATION OF FUNDS FOR LOANS

MARCH 8, 1938.

I hereby amend Administrative Order No. 155¹ by rescinding \$26,000 of the total \$30,000 allotted to Iowa 8043B Greene, leaving the sum of \$4,000 allotted to this project.

JOHN M. CARMODY, *Administrator*.

[F. R. Doc. 38-704; Filed, March 9, 1938; 9:41 a. m.]

¹ 2 F. R. 2816 (DI).